IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

W.A.No. 724 of 2005()

AGAINST THE JUDGEMENT/ORDER IN WPC.23644/2004 Dated 08/11/2004
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APPELLANT/ THIRD PARTY:

KOLLAM JILLA KALLU CHETHU MADYA
VYAVASAYA THOZHILALI UNION (REG.NO.02/04/2004),
KARUNAGAPPALLY, KOLLAM DISTRICT,REPRESENTED BY ITS
SECRETARY, N.BHADRAN PILLAI.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.NAGARAJ NARAYANAN
SRI.NAIR AJAY KRISHNAN
SRI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENTS/ PETITIONER & RESPONDENTS:
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1. P.SASIDHARAN PILLAI,
KANNANGARA VEETTIL, MANJALLOOR MURI,
PATHANAPURAM.

2. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

3. JOINT LABOUR COMMISSIONER AND
CHIEF WELFARE FUND INSPECTOR,KERALA ABKARI WORKERS
WELFARE FUND BOARD, THIRUVANANTHAPURAM.

4. ASSISTANT EXCISE COMMISSIONER, KOLLAM.

5. EXCISE CIRCLE INSPECTOR,
EXCISE CIRCLE OFFICE, PUNALUR.

6. RAJESHKUMAR. R., S/O.RAVEENDRAN NAIR,
KUNNIN PURATHU MELATHIL, MANJALLOOR MURIYIL,
PATHANAPURAM (P.O).

7. PURUSHOTHAMAN PILLAI,
CHAMAVILA VEEDU, KIZHAKKEBHAGAM,
PUNNALA VILLAGE, PATHANAPURAM.

8. MADHYAVYAVASAYA THOZHILALI SAMRAKSHANA
SAMITHY (MTSS), REG.NO.1110/98, GOVINDAMANDIRAM,
THYCAUD, THIRUVANANTHAPURAM, REPRESENTED BY ITS
GENERAL SECRETARY, K.P.VIDHYADHARAN.

9. N.SIVADASAN,
SECRETARY, MADHYAVYAVASAYA THOZHILALI SAMRAKSHANA
SAMITHY, KOLLAM DISTRICT, SON OF NANU,VATHIDAYATH,
CHERUSSERRY BHAGOM, CHAVARA.

BY GOVERNMENT PLEADER SRI.NOBLE MATHEW
SRI.VPK.PANICKER
SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SMT.SREELEKHA PUTHALATH
SRI.A.R.DILEEP
SRI.ABRAHAM GEORGE JACOB
SRI.S.GOWTHAM
SRI.K.K.BABU, SC KAWWFB
SRI.B.MOHANLAL
SRI.C.R.SIVAKUMAR
SRI.A.N.RAHAN BABU
SRI.SOJAN JAMES, SC,KAWWF BOARD

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

K.S.RADHAKRISHNAN & M.N.KRISHNAN,JJ

W.A.No.724 OF 2005

DATED THIS THE 5TH DECEMBER, 2006

JUDGMENT

The point raised in this appeal has been considered by the apex court in **Kerala Samsthana Chethu Thozhilali Union Vs. State of Kerala [2006 (2) KLT 270 (SC)]** and it was held that the rule is ultravires and the judgment of this court reported in **Anilkumar Vs. State of Kerala (2005 (1) KLT 130)** stands overruled. Hence this appeal is dismissed.

K.S.RADHAKRISHNAN,JUDGE.

M.N.KRISHNAN,JUDGE

dvs